

term to expire July 1, 1963: W. St. John Garwood of Austin, Travis County.

Respectfully submitted,

PRICE DANIEL,  
Governor of Texas.

#### Senate Resolution 468

Senator Herring offered the following resolution:

Whereas, The tenth day of May, 1961, marked the Thirty-Seventh Anniversary of the Honorable J. Edgar Hoover as Director of the Federal Bureau of Investigation; and

Whereas, He has devoted his life and capabilities to the enforcement of law and order and to the protection of our nation's security from subversive forces; and

Whereas, No other American of the Twentieth Century has so demonstrated his dedication to the Democratic way of life or contributed so greatly to the preservation of our freedom; and

Whereas, In recognition of his many years of incorruptible service and capable leadership as Director of the Federal Bureau of Investigation; now therefore be it

Resolved, That the members of the Senate of the State of Texas offer their heartfelt congratulations to Mr. Hoover on this occasion and express to him their gratitude for his extraordinary contribution to the American way of life; and be it further

Resolved, That when the Senate adjourns today it do so in grateful recognition of the Honorable J. Edgar Hoover and that an enrolled copy of this resolution be sent to him with the good wishes and appreciation of every member of the Senate.

HERRING  
SECREST  
FULLER  
OWEN

The resolution was read and was adopted.

#### Welcome Resolutions

S. R. No. 464, By Senator Herring: Extending welcome to students and teachers of Elgin School.

S. R. No. 465, By Senator Secrest: Extending welcome to students and teachers of Sharp School of Milam County.

S. R. No. 466, By Senator Krueger: Extending welcome to students and teacher of Hostyn School of La Grange.

S. R. No. 467, By Senator Gonzalez: Extending welcome to Mr. George Garrett et al. of Bexar County.

S. R. No. 470, By Senator Moffett: Extending welcome to students, teachers and sponsors of Seymour High School.

S. R. No. 471, By Senator Herring: Extending welcome to students and teachers of Lamar Junior High School of Austin.

#### Memorial Resolution

S. R. No. 469, By Senator Aikin: Memorial resolution for Dr. J. R. McLemore.

#### Recess

On motion of Senator Kazen the Senate at 4:33 o'clock p.m. took recess until 10:30 o'clock a.m. tomorrow.

#### SIXTY-FOURTH DAY

(Continued)

#### After Recess

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

#### Senate Bill 2 on Third Reading

Senator Baker moved to suspend the regular order of business and take up S. B. No. 2 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—18

Aikin	Parkhouse
Baker	Patman
Creighton	Ratliff
Crump	Reagan
Fuller	Roberts
Hazlewood	Rogers
Kazen	Schwartz
Krueger	Secrest
Owen	Willis

#### Nays—8

Calhoun	Lane
Dies	Martin
Hardeman	Moore
Hudson	Weinert

## Absent

Gonzalez                Smith  
Herring

## Absent—Excused

Colson                Moffett

The President laid before the Senate on its third reading and final passage the following bill:

S. B. No. 2, A bill to be entitled "An Act creating the University of Houston as a state supported institution of higher education; providing for its management and administration; providing that general laws affecting other State institutions of higher learning and not in conflict with this Act shall apply to the University of Houston; repealing laws in conflict; providing for severability; providing an effective date; and declaring an emergency."

The bill was read the third time.

Senator Baker moved the previous question on the final passage of S. B. No. 2 and the motion was duly seconded.

Question—Shall the previous question now be ordered.

The previous question was ordered by the following vote:

## Yeas—14

Aikin	Parkhouse
Baker	Patman
Creighton	Ratliff
Fuller	Reagan
Hazlewood	Schwartz
Kazen	Secrest
Krueger	Willis

## Nays—12

Calhoun	Martin
Crump	Moore
Dies	Owen
Hardeman	Roberts
Hudson	Rogers
Lane	Weinert

## Absent

Gonzalez                Smith  
Herring

## Absent—Excused

Colson                Moffett

S. B. No. 2 was then finally passed.

## Record of Votes

Senators Hardeman, Weinert, Calhoun, Crump, Lane and Moore asked to be recorded as voting "Nay" on the final passage of S. B. No. 2.

## Message from the House

Hall of the House of Representatives  
Austin, Texas,  
May 11, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 913, Amending Section 6 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, so as to provide that antlerless deer shall not be hunted or taken without written permission of certain persons; amending Section 9 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, by excepting Mason County from the provisions of the Section; and declaring an emergency.

S. B. No. 325, Amending Section d, Article 4614, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 407, Acts of the 55th Legislature, 1957, relating to the filing by a married woman of a statement of election as to the management of her separate property in counties in which she owns real estate; and providing that the husband be not required to join or consent to such statement; and declaring an emergency.

S. B. No. 210, Amending Section 8, House Bill No. 169, Chapter 427, Acts of the 55th Legislature, Regular Session, 1957, providing for contracts in the conduct of research; and declaring an emergency.

(With Amendment.)

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

## Senate Resolution 473

Senator Ratliff offered the following resolution:

Whereas, Mrs. T. D. Wiman, an 86-year-old great-grandmother from Roscoe, Nolan County, Texas, has been named the 1961 Texas Baptist Mother; and

Whereas, Mrs. Wiman was chosen to receive this great award this week by a special committee of the Baptist General Convention of Texas and the Baptist Standard, state Baptist newspaper published in Dallas; and

Whereas, The committee said that Mrs. Wiman, the wife of a retired West Texas farmer, has instilled optimistic Christianity into the lives of her thirteen children and has also influenced her thirty-seven grandchildren to become Christians; and

Whereas, One of Mrs. Wiman's sons is a Baptist preacher and her other five sons are all deacons in their churches; and

Whereas, One of Mrs. Wiman's daughters is a Baptist missionary to the Indians in Oklahoma, two are married to Baptist ministers, and her other daughters are equally as active Christians; and

Whereas, One of her thirty-seven grandchildren, Miss Fran Wiman, the daughter of Mr. and Mrs. Ernest Wiman of Roscoe, is a social worker for Buckner Orphans Home in Dallas; and

Whereas, Mrs. Wiman's sons and daughters are as follows: Ernest and Talmadge Wiman, of Roscoe; Harris Wiman of Kansas City, Kansas; John and T. D. Wiman, Jr., of Snyder; Jim Wiman of Hereford; Mrs. Nora Smith of Clinton, Oklahoma; Mrs. Gladys Wade of Penwell, near Odessa; Mrs. Pattie Keeth of Aztec, New Mexico; Mrs. Margaret Adams of Terrell; Mrs. Mary Davenport of Snyder; Mrs. Miltie Blackshare of Del Rio; and Miss Ruth Wiman of Roscoe; and

Whereas, It is the desire of the Senate to congratulate and extend best wishes to this great lady, Mrs. Wiman; now, therefore, be it

Resolved, By the Senate of Texas that congratulations and best wishes be sent to Mrs. Wiman, and be it further

Resolved, That copies of this Resolution be forwarded to each of Mrs. Wiman's children; and be it further

Resolved, That when the Senate adjourns today it do so in her honor.

The resolution was read and was adopted.

#### Reports of Standing Committees

Senator Krueger by unanimous consent submitted the following reports:

Austin, Texas,  
May 8, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 733, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Austin, Texas,  
May 12, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir, We, your Committee on Game and Fish, to whom was referred H. B. No. 1083, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,  
May 11, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 1064, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
May 11, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 1076, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Kazen by unanimous consent submitted the following reports:

Austin, Texas,  
May 12, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Leg-

islative, Congressional and Judicial Districts, to whom was referred S. B. No. 402, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,  
May 12, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred S. B. No. 204, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

#### Record of Vote

On motion of Senator Lane and by unanimous consent he will be recorded as voting "Nay" on the final passage of S. B. No. 2.

#### House Bill 1064 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. No. 1064 was ordered not printed.

#### House Bill 1076 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. No. 1076 was ordered not printed.

#### Record of Vote

On motion of Senator Moore and by unanimous consent he will be recorded as voting "Nay" on the final passage of S. B. No. 2.

#### House Bill 1083 Ordered Not Printed

On motion of Senator Weinert and by unanimous consent H. B. No. 1083 was ordered not printed.

#### Motion to Place

#### Committee Substitute House Bill 3 on Second Reading

Senator Hazlewood asked unanimous consent to suspend the regular order of business and take up C. S. H. B. No. 3 for consideration at this time.

There was objection.

Senator Hazlewood then moved to

suspend the regular order of business and take up C. S. H. B. No. 3 for consideration at this time.

The motion was lost by the following vote:

#### Yeas—14

Aikin	Ratliff
Baker	Reagan
Calhoun	Roberts
Creighton	Rogers
Fuller	Schwartz
Hazlewood	Secrest
Lane	Smith

#### Nays—14

Crump	Martin
Dies	Moore
Gonzalez	Owen
Hardeman	Parkhouse
Hudson	Patman
Kazen	Weinert
Krueger	Willis

#### Absent

Herring

#### Absent—Excused

Colson

Moffett

#### Committee Substitute Senate Bill 400 on Second Reading

Senator Calhoun asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 400 for consideration at this time.

There was objection.

Senator Calhoun then moved to suspend the regular order of business and take up C. S. S. B. No. 400 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Moore
Baker	Owen
Calhoun	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Schwartz
Hazlewood	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

## Nays—1

Martin

Absent

Herring

Absent—Excused

Colson

Moffett

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 400, A bill to be entitled "An Act regulating the grading and classification of rose plants, cuttings and bushes; fixing the responsibility of the Commissioner of Agriculture; providing for establishing rules, regulations, orders and requirements; providing for a fee for services; providing a penalty; a savings clause and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Motion to Place  
Committee Substitute Senate Bill 400  
on Third Reading**

Senator Calhoun moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 400 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

## Yeas—23

Aikin	Lane
Baker	Moore
Calhoun	Owen
Creighton	Parkhouse
Crump	Ratliff
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Schwartz
Hazlewood	Secrest
Herring	Smith
Hudson	Willis
Kazen	

## Nays—6

Dies	Patman
Krueger	Reagan
Martin	Weinert

Absent—Excused

Colson

Moffett

## Senate Bill 51 on Second Reading

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 51, A bill to be entitled "An Act to provide for the allocation of professional units to districts reporting increases on the basis of current average daily attendance; providing a repealing and severability clause; and declaring an emergency."

The bill was read second time and passed to engrossment.

## Senate Bill 51 on Third Reading

Senator Smith moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 51 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Martin
Baker	Moore
Calhoun	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Absent

Hudson

Absent—Excused

Colson

Moffett

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Committee Substitute Senate Bill 79  
on Second Reading**

On motion of Senator Martin and

by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 79, A bill to be entitled "An Act providing for Medical Assistance on behalf of recipients of public assistance; defining terms; designating the State Department of Public Welfare to administer the program, to cooperate with the Department of Health, Education, and Welfare and to accept and expend moneys from the Federal Government; providing the requirements for receiving Medical Assistance; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Committee Substitute Senate Bill 79 on Third Reading

Senator Martin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 79 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	Martin
Baker	Moore
Calhoun	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Kazen	Secrest
Krueger	Weinert
Lane	Willis

#### Nays—1

Creighton

#### Absent

Hudson                      Smith

#### Absent—Excused

Colson                      Moffett

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 1083 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1083, Granting Game and Fish Commission regulatory authority over wildlife resources of Kendall County, etc., and declaring an emergency.

The bill was read second time and passed to third reading.

#### House Bill 1083 on Third Reading

Senator Weinert moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1083 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Martin
Baker	Moore
Calhoun	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

#### Absent

Hudson

#### Absent—Excused

Colson                      Moffett

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Committee Substitute Senate Bill 179 on Second Reading

Senator Reagan asked unanimous

consent to suspend the regular order of business and take up C. S. S. B. No. 179 for consideration at this time.

There was objection.

Senator Reagan then moved to suspend the regular order of business and take up C. S. S. B. No. 179 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—20**

Aikin	Lane
Baker	Owen
Calhoun	Parkhouse
Crump	Patman
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert

**Nays—8**

Creighton	Moore
Dies	Ratliff
Gonzalez	Roberts
Martin	Willis

**Absent**

Hudson

**Absent—Excused**

Colson	Moffett
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The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 179, A bill to be entitled "An Act limiting the admissibility as evidence of the books, files and records of banks and building and loan or savings and loan associations and the accounts of depositors or shareholders; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Motion to Place Committee Substitute Senate Bill 179 on Third Reading**

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 179 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

**Yeas—22**

Aikin	Lane
Baker	Martin
Calhoun	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert

**Nays—6**

Creighton	Ratliff
Gonzalez	Roberts
Moore	Willis

**Absent**

Hudson

**Absent—Excused**

Colson	Moffett
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**Senate Bill 309 on Second Reading**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 309, A bill to be entitled "An Act making it unlawful to obtain telecommunications service with the intent to defraud any individual, corporation or other person of the lawful charges, in whole or in part, therefor, through the use of false or unauthorized or fictitious telephone numbers or credit card numbers or a code or prearranged scheme or by installing or tampering with facilities or equipment or by any other trick, false representation, device or means; stating a rule of presumption of fraudulent intent with respect to such offense; prescribing penalties for violations; providing venue; providing for severability and declaring an emergency."

The bill was read the second time.

Senator Aikin offered the following amendment to the bill.

Amend Senate Bill 309 by striking out all of Section 3, (d),

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend Senate Bill 309 by striking out all of Section 4.

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend S. B. 309 by adding the word "or" after the word "devices" in subsection "C" of Section 3.

The amendment was adopted.

On motion of Senator Aikin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 309 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 309 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Martin
Baker	Moore
Calhoun	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

#### Absent

Hudson

#### Absent—Excused

Colson

Moffett

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—28

Aikin	Martin
Baker	Moore
Calhoun	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

#### Absent

Hudson

#### Absent—Excused

Colson

Moffett

#### Motion to Place

#### Senate Bill 45 on Second Reading

Senator Willis asked unanimous consent to suspend the regular order of business and take up S. B. No. 45 for consideration at this time.

There was objection.

Senator Willis then moved to suspend the regular order of business and take up S. B. No. 45 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

#### Yeas—14

Aikin	Owen
Baker	Patman
Crump	Ratliff
Dies	Rogers
Gonzalez	Schwartz
Herring	Secrest
Kazen	Willis

#### Nays—13

Calhoun	Martin
Creighton	Parkhouse
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Smith
Krueger	Weinert
Lane	

#### Absent

Hudson

Moore

#### Absent—Excused

Colson

Moffett



**Reports of Standing Committees**

Senator Krueger by unanimous consent submitted the following reports:

Austin, Texas,  
May 12, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 1081, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and not be printed.

KRUEGER, Chairman.

Austin, Texas,  
May 12, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 1089, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and not be printed.

KRUEGER, Chairman.

Senator Kazen by unanimous consent submitted the following report:

Austin, Texas,  
May 12, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred S. B. No. 471, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

**House Bill 1089 Ordered Not Printed**

On motion of Senator Kazen and by unanimous consent H. B. No. 1089 was ordered not printed.

**House Bill 1081 Ordered Not Printed**

On motion of Senator Krueger and by unanimous consent H. B. No. 1081 was ordered not printed.

**House Joint Resolution 51 on Second Reading**

On motion of Senator Hazlewood

and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. J. R. No. 51, Proposing an amendment to Article IX of the Constitution of the State of Texas by adding thereto a new Section to be known as Section 9 to provide that the Legislature may authorize the creation of hospital districts composed of all or part of one or more counties; the assumption by the district of any included city, town or county hospital indebtedness and the transfer of all hospital facilities thereof to the district; the issuance of bonds for hospital purposes and the levy of taxes to pay the district's bonds, assumed indebtedness, and for operating and maintaining the district; providing other terms and conditions for accomplishing the purposes of this Amendment; and providing that any enabling Acts shall not be invalid because of their anticipatory character.

The resolution was read the second time.

Senator Hazlewood offered the following committee amendment to the resolution:

Amend H. J. R. 51 by striking out the last sentence of Section 1 and substituting in lieu thereof the following:

"Provided, however, that no district shall be created except by act of the legislature and then only after thirty (30) days' public notice to the district affected, and in no event may the legislature provide for a district to be created without the affirmative vote of a majority of the taxpaying voters in the district concerned."

MARTIN  
HAZLEWOOD

The committee amendment was adopted.

The resolution as amended was passed to third reading.

**House Joint Resolution 51 on Third Reading**

Senator Hazlewood moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and

that H. J. R. No. 51 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Martin
Baker	Moore
Calhoun	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

## Absent

Hudson

## Absent—Excused

Colson

Moffett

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

## Yeas—28

Aikin	Martin
Baker	Moore
Calhoun	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

## Absent

Hudson

## Absent—Excused

Colson

Moffett

Committee Substitute  
Senate Bill 179 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule

32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 179 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—24

Aikin	Martin
Baker	Owen
Calhoun	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

## Nays—3

Creighton  
Gonzalez

Roberts

## Absent

Hudson

Moore

## Absent—Excused

Colson

Moffett

The President laid before the Senate on its third reading and final passage the following bill:

C. S. S. B. No. 179, A bill to be entitled "An Act limiting the admissibility as evidence of the books, files and records of banks and building and loan or savings and loan associations and the accounts of depositors or shareholders; and declaring an emergency."

The bill was read the third time and was passed.

## Senate Bill 473 on First Reading

Senator Lane moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Calhoun
Baker	Creighton

Crump  
Dies  
Fuller  
Gonzalez  
Hardeman  
Hazlewood  
Herring  
Kazen  
Krueger  
Lane  
Martin  
Moore

Owen  
Parkhouse  
Patman  
Ratliff  
Reagan  
Roberts  
Rogers  
Schwartz  
Secrest  
Smith  
Weinert  
Willis

Absent

Hudson

Absent—Excused

Colson

Moffett

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Lane, Hardeman, Reagan, Owen and Patman:

S. B. No. 473, A bill to be entitled "An Act amending Art. 6066, RCS of Texas, 1925, as amended, so as to authorize transfer of monies collected pursuant to the provisions of Article 6060, RCS of Texas, 1925, as amended, for the purpose of paying for the administration of the conservation laws of this State relating to the production of gas, which includes condensates and distillates, making other provisions thereto, and declaring an emergency."

To the Committee on Oil and Gas.

**Senate Bill 247 with  
House Amendments**

Senator Parkhouse called S. B. No. 247 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Parkhouse moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—24

Aikin  
Baker

Calhoun  
Creighton

Fuller  
Gonzalez  
Hazlewood  
Herring  
Kazen  
Krueger  
Lane  
Martin  
Owen  
Parkhouse

Patman  
Ratliff  
Reagan  
Roberts  
Rogers  
Schwartz  
Secrest  
Smith  
Weinert  
Willis

Nays—4

Crump  
Dies

Hardeman  
Moore

Absent

Hudson

Absent—Excused

Colson

Moffett

**Senate Bill 100 with  
House Amendments**

Senator Owen called S. B. No. 100 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Owen moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill:

Senators Owen, Reagan, Kazen, Baker and Calhoun.

**Message from the Governor**

The following message received from the Governor was read and referred to the Committee on Nominations:

Austin, Texas,  
May 12, 1961.

To the Senate of the Fifty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Board of Directors of the Jackson County Flood Control District, for six-year terms to expire May 1, 1967: Harrison Stafford of Edna, Jackson County; S. B. Allen of Edna, Jackson County; Ed Duenow of Lolita, Jackson County.

To be members of the Board of Directors of the Nueces River Conservation and Reclamation District, for six-year terms to expire February 1, 1967: Joe Carper of Uvalde, Uvalde County; Claud Gilmer of Rocksprings, Edwards County; Lon C. Hill of Corpus Christi, Nueces County; Frank Jostes of Tynan, Bee County; Ray Keck, Jr., of Cotulla, LaSalle County; Clarence Martens of Alice, Jim Wells County; O. M. Shannon of Portland, San Patricio County.

To be Branch Pilots for the Galveston Bar and Houston Ship Channel, for two-year terms to expire April 5, 1963: Jay C. Browning of Houston, Harris County; H. E. Andersen of Houston, Harris County.

Respectfully submitted,

PRICE DANIEL,  
Governor of Texas.

#### Senate Bill 474 on First Reading

Senator Owen moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Martin
Baker	Moore
Calhoun	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

#### Absent

Hudson

#### Absent—Excused

Colson

Moffett

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Owen and Willis:

S. B. No. 474, A bill to be entitled "An Act amending Chapter 43, Acts 1954, 53rd Legislature, First Called Session, as amended by Chapter 225, Acts 1957, 55th Legislature (Vernon's Ann. Civil Statutes Art. 1269j-5), by adding a new section to make bonds issued by any city having a population of 275,000 or more according to the next preceding Federal Census, for airport purposes eligible as security for public funds and as investments for certain funds and as investments for certain funds; enacting other matters related to the subject; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### Co-author of Senate Bill 473

On motion of Senator Lane and by unanimous consent Senator Patman will be shown as co-author of S. B. No. 473.

#### Senate Concurrent Resolution 59

Senator Schwartz offered the following resolution:

S. C. R. No. 59, Providing for an interim joint committee to study all matters pertaining to the development and use of the bays and inlets of the State of Texas.

#### PREAMBLE

Whereas, The ever-increasing use of our bays for fishing and other recreation purposes by the citizens of Texas and the many persons who visit Texas each year and the ever-increasing demand by important segments of our industry for mudshell, clam shell, sand, clay and marl produced from said bays and for the oil, gas and other minerals mined and produced in said bays and transported by pipeline across the same, have created problems which were not within the contemplation of the Legislature when most of the present laws pertaining to the mining, producing, taking and transporting of such oil, gas, mudshell, clam shell, clay, sand and marl were enacted, with the consequence that many of said laws are now indefinite, uncertain and inadequate; and

Whereas, The public interest dem-

mands that a study be made immediately by the Legislature of these problems so that at the next regular session adequate laws can be enacted to protect the rights of the public in and to our bays and, at the same time and subject thereto, to encourage the production of mudshell, clam shell, clay, sand and marl therefrom and the transportation of oil, gas and other minerals across such bays so that demands of industry can be served; therefore, be it

Resolved, By the Senate of the Fifty-seventh Legislature, the House of Representatives concurring, that the following be accomplished:

Section 1. A Committee is hereby created consisting of nine (9) members, one (1) representing the public at large, one (1) representing the oil and gas pipeline industry, one (1) representing the industry engaged in the mining and producing of mudshell, clam shell, sand, clay and marl, three (3) Representatives to be appointed by the Speaker of the House of Representatives, three (3) Senators to be appointed by the Lieutenant Governor of the State. The three (3) public members shall be appointed by the Governor.

Sec. 2. Between adjournment of the present session of the Legislature and the next regular session thereof, such Committee is authorized, empowered and directed to conduct and make an investigation and study of all matters of or pertaining to the development and use of bays of the State of Texas, and the inlets and tributaries thereto, for hunting, fishing, boating and recreational purposes, the mining and producing of mudshell, clam shell, sand, clay and marl from such bays, inlets and tributaries thereto and the transportation by pipeline of oil, gas and other minerals across such bays and inlets and tributaries thereto.

Sec. 3. For consideration by the next regular session of the Legislature such Committee make such recommendations for the enactment of such laws as it deems appropriate which will adequately protect and safeguard the rights of the public in and to the bays of the State of Texas and the inlets and tributaries thereto and, subject to the rights of the public, will encourage and promote the production of mudshell, clam shell, sand, clay and marl from such bays, inlets and tributaries thereto and the transportation of oil, gas and other minerals by pipeline across such

bays and the inlets and tributaries thereto.

Sec. 4. In the conduct of such investigation and study said Committee shall have the right to hold public hearings and, in the same manner provided by law, shall have the right to compel the attendance of witnesses and the production of instruments and documents.

Sec. 5. From the contingent fund of the Legislature, the legislative members of said Committee shall be reimbursed for their actual expenses incurred in carrying out the purposes of this Act.

Sec. 6. The Committee shall reduce its report to writing, file a signed copy of the same with the Governor of Texas, the Lieutenant Governor of Texas and the Speaker of the House not later than thirty (30) days after the convening of the next regular session of the Legislature, and that copies of such report shall be distributed by the Chief Clerk of the Senate to each member of the Senate and by the Chief Clerk of the House of Representatives to each member of said House of Representatives.

SCHWARTZ  
MOORE  
KRUEGER  
BAKER

The resolution was read and was referred to the Committee on State Affairs.

#### Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
May 12, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 474, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

#### Welcome Resolutions

S. R. No. 472—By Senator Moore: Extending welcome to students and sponsors of Blackshear High School of Hearne.

S. R. No. 474—By Senators Reagan

and Hudson: Extending welcome to students and teacher of Lasara School.

S. R. No. 475—By Senators Secrest and Herring: Extending welcome to students and teacher of Carver High School and teacher of Georgetown.

S. R. No. 476—By Senators Secrest and Moore: Extending welcome to students and teacher of Thornton School of Limestone County.

S. R. No. 477—By Senators Secrest and Moore: Extending welcome to students and teacher of Medina High School of Corsicana.

S. R. No. 478—By Senator Moore: Extending welcome to students and sponsors of West Side Elementary School of Hearne.

#### Adjournment

On motion of Senator Hardeman the Senate at 12:16 o'clock p.m. adjourned until 10:30 o'clock a.m. on Monday, May 15, 1961.

#### SIXTY-FIFTH DAY

(Monday, May 15, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Absent—Excused

Dies

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"We thank Thee, our Father, for

a day dedicated to the memory of mother. May the memory of the day draw us closer to Thee; may Thy presence still the storms that threaten us, and out of the dark may we hear Thee say "Peace be still." Save us through Jesus Christ our Lord. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 12, 1961, was dispensed with and the Journal approved.

#### Leave of Absence

Senator Dies was granted leave of absence for today on account of illness in the family on motion of Senator Moffett.

#### Reports of Standing Committees

Senator Owen submitted the following report:

Austin, Texas,  
May 12, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Oil and Gas, to whom was referred S. B. No. 473, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Senator Aikin submitted the following reports:

Austin, Texas,  
May 15, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 117, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

Austin, Texas,  
May 15, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 1023, have had the same under consideration, and we are instructed to report it back to the